

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JESUS AVILA,

Plaintiff,

V.

CIVIL NO. 05-71427

HON. NANCY G. EDMUNDS

PATRICIA CARUSO, et al.,

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [15]**

This matter has come before the Court on the Magistrate Judge's Report and Recommendation,. Being fully advised in the premises and having reviewed the record and the pleadings, including any objections, the Court hereby ACCEPTS and ADOPTS the Magistrate's Report and Recommendation.

Accordingly, the Court hereby orders as follows:

Defendants' Motion to Dismiss is GRANTED. Plaintiff's Fourth and Fifth Amendment claims are DISMISSED WITH PREJUDICE and his remaining claims are DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

**s/Nancy G. Edmunds**

**Nancy G. Edmunds**

**United States District Judge**

**Dated: March 7, 2006**

**I hereby certify that a copy of the foregoing document was served upon counsel of record on March 7, 2006, by electronic and/or ordinary mail.**

**s/Carol A. Hemeyer**

**Case Manager**